IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL REVISION PETITION NO. 739/2005

(Madhu Ram V/s State of Rajasthan & Ors.)

Date of Order : 02/08/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. R.L.Sonal for the petitioner.
Mr. Ashok Upadhyay, P.P.
Mr. P.R.Choudhary for the respondents.

BY THE COURT:-

This criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the order dated 25.7.2005 passed by Principal Magistrate, Juvenile Justice Board, Jodhpur (for short 'the Juvenile Board' hereinafter), whereby the application filed by the petitioner complainant under Section 216 Cr.P.C. seeking alteration of the charge, was dismissed.

I have heard learned counsel for the parties. Perused the order impugned.

It is contended by learned counsel for the petitioner that the accused respondents are not the member of Scheduled Caste and therefore, the charge for the offence under Section 3 (2) (v) of the SC/ST (Prevention of Atrocities) Act, 1989 (for

short 'the Act' hereinafter), is made out.

I have carefully gone through the challan papers.

The accused respondents commonly known as 'Chowkidar' are 'Bawri' and therefore, are members of Scheduled Caste. After thorough investigation, the police found that the accused respondents are the members of the Scheduled Caste and allegation against them is that they committed rape on a victim of Scheduled Caste. At any rate, when the victim and the accused respondents are members of the Scheduled Caste, in my view, no offence under Section 3 (2) (v) of the Act is made out and therefore, the trial court was justified in dismissing the application filed by the petitioner under Section 216 Cr.P.C.

In this view of the matter, I do not find any error, illegality or perversity in the order impugned warranting interference in the revisional jurisdiction. The revision petition is therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

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